



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject CONDITIONS & RESTRICTIONS ON VOLUNTEERING BY DFRS FIREFIGHTERS/RESCUERS IN THE MCFRS	Number 5-03AM
Originating Department MONTGOMERY COUNTY FIRE & RESCUE SERVICE	Effective Date 7/22/2003

MONTGOMERY COUNTY EXECUTIVE REGULATION

CONDITIONS AND RESTRICTIONS ON VOLUNTEERING BY DIVISION OF FIRE AND RESCUE SERVICES FIREFIGHTER/RESCUERS IN THE MONTGOMERY COUNTY FIRE AND RESCUE SERVICE

Issued by: County Executive
Executive Regulation No. 5-03AM
Authority: Montgomery County Code Section 21-17
Council Review: Method 2 under Code Section 2A-15
Supersedes: Executive Regulation No. 6-94
Register Volume No. 20, Issue No. 3
Effective Date: July 22, 2003

SUMMARY: This regulation establishes conditions and restrictions concerning volunteer firefighting, rescue, and emergency medical services provided to Montgomery County's Local Fire and Rescue Departments (LFRDs) by a Division of Fire and Rescue Services (DFRS) employee of the Montgomery County Fire and Rescue Service.

DEADLINES: Montgomery County Register Comment: March 31, 2003

ADDRESS: Please send all comments pertaining to the proposed regulation to Beth Feldman, Office of the Fire Administrator, Montgomery County Fire and Rescue Service, 101 Monroe Street, Rockville, Maryland, 20850. Comments may also be emailed to beth.feldman@montgomerycountymd.gov

STAFF: For additional information, please call Beth Feldman at (240) 777-2423

BACKGROUND: The proposed regulation establishes conditions and restrictions on volunteer activities provided to the Local Fire and Rescue Departments by an employee in the firefighter/rescuer occupational



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject CONDITIONS & RESTRICTIONS ON VOLUNTEERING BY DFRS FIREFIGHTERS/RESCUERS IN THE MCFRS	Number 5-03AM
Originating Department MONTGOMERY COUNTY FIRE & RESCUE SERVICE	Effective Date 7/22/2003

series, in accordance with Section 21-17 of the County Code.

By letter dated June 5, 2002, the Administrator of the U.S. Department of Labor's Employment Standards Administration, Wage and Hour Division, opined that the Fair Labor Standards Act does not require Montgomery County to pay overtime compensation to a DFRS employee while the employee is providing volunteer services to the County's LFRDs, if those volunteer services are provided freely and without coercion.

Sec. 1. Purpose. To establish conditions and restrictions on volunteer activities provided to the Local Fire and Rescue Departments by a MCFRS Division of Fire and Rescue Services employee in the firefighter/rescuer occupational series.

Sec. 2. Applicability. This Executive Regulation applies to any Montgomery County employee in the firefighter/rescuer occupational series, including the positions of:

- Fire/Rescue Chief
- Fire Rescue Deputy Chief
- Fire/Rescue Assistant Chief
- Fire/Rescue District Chief
- Fire/Rescue Captain
- Fire/Rescue Lieutenant
- Master Firefighter/Rescuer
- Firefighter/Rescuer III
- Firefighter/Rescuer II
- Firefighter/Rescuer I (Recruit)

Sec. 3. Definitions.

- a. **Integrated Emergency Command Structure (IECS).** The operational chain-of-command system used for incident command in the Montgomery County Fire and Rescue Service that provides for the integration of all certified fire and rescue personnel into a command structure on fire, rescue, and emergency medical service incidents.



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject	Number
CONDITIONS & RESTRICTIONS ON VOLUNTEERING BY DFRS FIREFIGHTERS/RESCUERS IN THE MCFRS	5-03AM
Originating Department	Effective Date
MONTGOMERY COUNTY FIRE & RESCUE SERVICE	7/22/2003

- b. **Operational Volunteer Activities.** The provision of fire suppression, rescue, and emergency medical services, in accordance with the Integrated Emergency Command Structure.
- c. **Volunteer.** For the purpose of this Regulation, an individual who freely and without coercion provides fire suppression, rescue, and emergency medical services, and/or related administrative duties, with a Local Fire and Rescue Department in Montgomery County.

Sec. 4. Retaining the Integrity of the Integrated Emergency Command Structure.

- a. A DFRS employee in the firefighter/rescuer occupational class must not volunteer at a higher rank than the employee's current IECS rank.
- b. A DFRS employee who is removed or suspended from the IECS while serving as a volunteer or employee must not participate in any MCFRS operational activities for the duration of the employee's removal or suspension.

Sec. 5. Safety – Fatigue. A DFRS employee must not provide more than 48 continuous hours of shift work, volunteer assignments, or any combination thereof, in firefighting, rescue, or emergency medical services in Montgomery County.

Sec. 6. Leave.

- a. County leave provisions distinguish between injuries sustained while providing volunteer services, and those sustained while performing DFRS assignments. A DFRS employee is not eligible to use Disability Leave for injuries occurring during volunteer service. A DFRS employee must use sick leave, or leave without pay, for failure to report to DFRS work assignments due to recuperation or recovery from injuries sustained while performing volunteer duties.
- b. A DFRS employee must report to the employee's DFRS District Chief immediately, but not later than 24 hours after sustaining any injuries while



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject CONDITIONS & RESTRICTIONS ON VOLUNTEERING BY DFRS FIREFIGHTERS/RESCUERS IN THE MCFRS	Number 5-03AM
Originating Department MONTGOMERY COUNTY FIRE & RESCUE SERVICE	Effective Date 7/22/2003

performing career or volunteer assignments, to differentiate the applicable leave provisions.

Sec. 7. DFRS Working Conditions.

- a. A DFRS employee who volunteers for an LFRD must not perform operational volunteer activities in the same LFRD to which the employee is assigned as a DFRS employee. This prohibition also applies to assignments due to transfer, overtime, details, and work substitutions, consistent with Sec. 21-17(a)(1) of the County Code.
- b. Notwithstanding Sec. 7.a., the operational needs of MCFRS are paramount and may require a DFRS employee to be reassigned due to transfer, overtime, details, or work substitutions. LFRD membership or association must not prevent or affect the transfer or re-assignment of a DFRS employee to a particular work site. If a DFRS employee is transferred or detailed to the same LFRD that the employee serves as a volunteer, the employee must immediately cease volunteer activities and report the matter to the DFRS District Chief.

Sec. 8. Accrual of Time in Service.

- a. A DFRS employee's volunteer service must not accrue to time in grade or time in service requirements for promotion, seniority, transfer, retirement, or other provisions for service time as a DFRS employee.
- b. A DFRS employee may participate in the Length of Service Awards Program (LOSAP) for LFRD volunteers, and may receive other benefits available to LFRD volunteers under Section 21-21 of the County Code for time spent and time accrued as an LFRD volunteer.
- c. A DFRS employee must not receive LOSAP points or other volunteer benefits for activities performed while serving as a DFRS employee.



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject CONDITIONS & RESTRICTIONS ON VOLUNTEERING BY DFRS FIREFIGHTERS/RESCUERS IN THE MCFRS	Number 5-03AM
Originating Department MONTGOMERY COUNTY FIRE & RESCUE SERVICE	Effective Date 7/22/2003

- d. A former DFRS employee who has received a County disability retirement must not perform operational volunteer activities.

Sec. 9. DFRS Employees – Clarification of Pay Status.

- a. Mandatory Overtime and Shift Hold-over. Any mandatory DFRS overtime or shift hold-over required of a DFRS employee that is considered necessary to meet the operational or administrative emergency needs of the County, as ordered by the DFRS Division Chief or his/her designee, takes precedence over any volunteer LFRD assignment that may conflict with the mandatory overtime or hold-over requirement.
- b. Assignment during Hold-over. If any mandatory hold-over assignment of a DFRS employee while performing emergency operational volunteer fire and rescue services for an LFRD would conflict with the DFRS employees' normal work assignment, the DFRS employee must notify the LFRD Chief or LFRD Duty Officer in advance, or as soon as practicable. The LFRD Chief or Duty Officer must promptly notify the DFRS Shift Chief. However, the DFRS employee is ultimately responsible for notifying the employer that the employee will be unable to report for duty at the employee's assigned location. The Shift Chief must take the appropriate action regarding scheduling. When the Shift Chief is notified that the time used by the DFRS employee was spent in emergency operational volunteer fire and rescue services as a volunteer, the DFRS employee may be placed in pay status at the employee's normal reporting time. When the LFRD assignment is completed, the DFRS Shift Chief must determine the DFRS employee's assignment or leave status for the balance of the shift.
- c. Participation on MCFRS Specialty Teams. DFRS employees are selected for participation on MCFRS specialty teams on a competitive basis. The DFRS employee must not provide voluntary (unpaid) services to MCFRS specialty teams because the training and deployment of some teams may potentially impact on the employee's career assignment.



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject CONDITIONS & RESTRICTIONS ON VOLUNTEERING BY DFRS FIREFIGHTERS/RESCUERS IN THE MCFRS	Number 5-03AM
Originating Department MONTGOMERY COUNTY FIRE & RESCUE SERVICE	Effective Date 7/22/2003

- d. If a DFRS employee is receiving workers' compensation pay for injuries sustained as an LFRD volunteer, the employee must be placed in a "leave without pay" status while receiving workers' compensation benefits, or until the employee's disability retirement is determined, or whatever employee status is appropriate. If a DFRS employee is assigned to light duty status as a result of a medical condition, or is on sick leave, or on medical disability status, the DFRS employee must not perform or participate in LFRD operational activities.

Sec.10. Authority to Volunteer.

- a. Application for Volunteer Service. Before providing volunteer service, a DFRS employee must execute an "Application for Volunteer Service" annually, and with any change of LFRD membership. This application must certify that the employee is providing services to the LFRD freely and without coercion. However, a DFRS employee may discontinue the employee's volunteer service at any time.
- b. Previous Regulation. This Regulation replaces and supersedes Executive Regulation 6-94. However, this Regulation will be null and void, and Regulation 6-94 will become effective immediately as if it had not been replaced or superseded, and all DFRS firefighters must cease operational volunteer activities until further notice by the Fire Administrator if a court, any federal or state agency with jurisdiction, or the Merit System Protection Board finds that the County or the LFRD must pay overtime, or any form of compensation, statutory damages under any federal or state wage law, or expenses, to a DFRS employee due to the performance of operational volunteer activities, or service as a volunteer.

Sec. 11. DFRS Policies and Regulations. The Division of Fire and Rescue Services is responsible for investigating and retaining accurate information related to the misconduct of a DFRS employee when the employee is on or off duty, or when the employee is serving as an LFRD volunteer. Regardless of the employee's duty status, DFRS employees are subject to all DFRS policies and regulations at all times.



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject CONDITIONS & RESTRICTIONS ON VOLUNTEERING BY DFRS FIREFIGHTERS/RESCUERS IN THE MCFRS	Number 5-03AM
Originating Department MONTGOMERY COUNTY FIRE & RESCUE SERVICE	Effective Date 7/22/2003

Sec. 12. Severability. The provisions of this Regulation are severable. If a court holds that a provision is invalid or inapplicable, the remainder of the Regulation remains in effect.

Approved: _____
Douglas M. Duncan
County Executive

Date: _____

DOL final clean council bf wp 7-14-03